

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re:

GITTO GLOBAL CORPORATION,

DEBTOR.

CHAPTER 11
Case No. 04-45386 JBR

GARY GITTO,

Appellant,

v.

APPEAL
No. 05-cv-10334 DPW

WORCESTER TELEGRAM & GAZETTE
CORP., MEDIANEWS GROUP, INC.,
CHARLES L. GLERUM, EXAMINER,
and PHOEBE MORSE, UNITED STATES
TRUSTEE

Appellees.

MOTION TO FILE SUPPLEMENTAL APPENDIX OF APPELLEE
WORCESTER TELEGRAM AND GAZETTE CORPORATION

Appellee Worcester Telegram & Gazette Corporation hereby moves to file a Supplemental Appendix. As grounds for its motion, Appellee states as follows:

1. Federal Rule of Bankruptcy 8009 states that “[a]n appellee may also serve and file an appendix which contains materials required to be included by the appellant but omitted by appellant.”

2. Appellant Gary Gitto filed a record appendix with their brief on appeal that inadvertently omitted parts of the record that Appellee believes the Court will consider in

deciding the appeal, including relevant motions by the Examiner and Official Committee of Unsecured Creditors for Rule 2004 examinations.

3. Appellee also seeks leave to file copies of news articles concerning Appellant and the Debtor, Gitto/Global Corporation, which Appellee cited to in its Memorandum of Intervenor/Plaintiff Worcester Telegram & Gazette Corporation in Support of Motion for Public Access to Examiner's Report, its Opposition to Gary Gitto's Motion to Stay Pending Appeal, as well as the Appellee's Brief submitted herewith.

3. The Court may take judicial notice of the newspaper articles. Flynn v. Hubbard, 782 F.2d 1084, 1087 n. 1 (1st Cir. 1986); Teradi v. Mylan Labs., Inc., 230 F.3d 549, 598 n. 2 (3d Cir. 2000).

WHEREFORE, Appellee Worcester Telegram & Gazette Corporation moves for leave to file the Supplemental Appendix submitted manually herewith.

**WORCESTER TELEGRAM &
GAZETTE CORPORATION,**

By its attorneys,

/s/ Aaron M. Wais

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Dated: March 9, 2005

CERTIFICATE OF SERVICE

I, Aaron M. Wais, do hereby certify that on this 9th day of March, 2005, I caused copies of the foregoing **MOTION TO FILE SUPPLEMENTAL APPENDIX OF APPELLEE WORCESTER TELEGRAM & GAZETTE CORPORATION** to be served electronically and via overnight mail on the foregoing parties:

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